

HOUSE JOURNAL

SEVENTY-FOURTH LEGISLATURE, REGULAR SESSION

PROCEEDINGS

SEVENTY-FIRST DAY (CONTINUED) — FRIDAY, MAY 12, 1995

The house met at 10 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 406).

Present — Mr. Speaker; Alexander; Allen; Alonzo; Alvarado; Averitt; Bailey; Berlanga; Black; Bosse; Brady; Brimer; Carona; Carter; Chisum; Clemons; Coleman; Combs; Conley; Cook; Corte; Counts; Crabb; Craddick; Cuellar, H.; Cuellar, R.; Culbertson; Danburg; Davila; Davis; De La Garza; Dear; Delisi; Denny; Driver; Dukes; Duncan; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Farrar; Finnell; Gallego; Giddings; Glaze; Goodman; Goolsby; Gray; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Harris; Hartnett; Hawley; Heflin; Hernandez; Hightower; Hilbert; Hilderbran; Hill; Hirschi; Hochberg; Holzheuser; Horn; Howard; Hudson; Hunter, B.; Hunter, T.; Jackson; Janek; Johnson; Jones, D.; Jones, J.; Junell; Kamel; King; Krusee; Kubiak; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Maxey; McCall; McCoulskey; McDonald; Moffat; Moreno; Mowery; Munoz; Naishat; Nixon; Oakley; Ogden; Oliveira; Park; Patterson; Pickett; Pitts; Place; Price; Puente; Rangel; Raymond; Reyna; Rhodes; Rodriguez; Romo; Rusling; Sadler; Saunders; Seidlits; Serna; Shields; Siebert; Smithee; Solis; Solomons; Staples; Stiles; Swinford; Talton; Telford; Thompson; Tillery; Torres; Turner, B.; Turner, S.; Uher; Van de Putte; Walker; West; Williamson; Willis; Wilson; Wohlgemuth; Wolens; Woolley; Yarbrough; Yost; Zbranek.

Absent, Excused — Rabuck; Ramsay.

The invocation was offered by Reverend Richard Hume, Hardy Memorial United Methodist Church, Texarkana, as follows:

Gracious God, we thank you for this day that you have made for our use. It is a day for us to use as we see fit. The day may be used for our pleasure or gain. It may also be dedicated to you and your will. You have called us in your creation to understand that we are stewards of your perfect gifts. Lord, we pray that you will enable us to be good stewards of this day. Remind us of our commitment to all of your children, regardless of race, color, gender, religion or life circumstance and economic status.

We especially pray for these legislators, elected by the people of Texas, but called by you to be your special servants on this earth to govern with compassion and wisdom. Guide them this day to make decisions compatible with your will and for the genuine welfare of your children. You understand the stress and difficulty that they must endure in their work. Give them the peace which comes only from you. Give them a cooperative spirit. Help them to put aside petty grievances and partisan politics for the common good.

Now Lord, bless all our endeavors to the glory of your creation. Amen.

LEAVES OF ABSENCE GRANTED

The following members were granted leaves of absence for today because of important business in the district:

Rabuck on motion of Howard.

Ramsay on motion of Pitts.

SIGNED BY THE SPEAKER

The speaker signed in the presence of the house, after giving due notice thereof, the following enrolled bills and resolutions:

HB 436, HB 437, HB 438, HB 475, HB 997, HB 1187, HB 1242, HB 1336, HB 1463, HB 1506, HB 1507, HB 1523, HB 1552, HB 1647, HB 1664, HB 1754, HB 1877, HB 1968, HB 2096, HB 2341, HB 2473, HB 2642, HB 2725, HB 2998, HB 3134, HB 3157, HB 3166, HCR 71, HCR 198, SB 114, SB 701, SB 971, SB 1196, SCR 139

(Alexander in the chair)

MESSAGE FROM THE SENATE

Austin, Texas, May 12, 1995

The Honorable Speaker of the House of Representatives
House Chamber

The Honorable
Mr. Speaker:

I am directed by the Senate to inform the House that the Senate has passed the following:

SB 1237 by Armbrister, relating to smoking in public places and places of employment; providing criminal penalties.

SCR 152 by Rosson, commending Belen Robles...

HCR 201 by Crabb, honoring Mayor Haden Edwards McKay, M.D., of Humble.

Respectfully,
Betty King
Secretary of the Senate

(Speaker in the chair)

CAPITOL PHYSICIAN

Speaker Laney presented Dr. Joe Bedford of Houston as the "Doctor for the Day."

The house welcomed Dr. Bedford and thanked him for his participation in the Physician of the Day Program sponsored by the Texas Academy of Family Physicians.

LEAVES OF ABSENCE GRANTED

The following members were granted leaves of absence for the remainder of today because of important business in the district:

Moreno on motion of McDonald.

Serna on motion of McDonald.

The following member was granted leave of absence for the remainder of today because of important business:

Delisi on motion of Rusling.

HR 834 - ADOPTED

Representative Junell moved to suspend all necessary rules to take up and consider at this time **HR 834**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Junell,

HR 834, Honoring Thelma Faye Penn Reynolds.

The resolution was adopted without objection.

HR 736 - ADOPTED

Representative Shields moved to suspend all necessary rules to take up and consider at this time **HR 736**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Shields,

HR 736, Honoring Dr. J. Raleigh Jackson.

The resolution was adopted without objection.

HR 893 - ADOPTED

Representative Swinford moved to suspend all necessary rules to take up and consider at this time **HR 893**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Swinford,

HR 893, Recognizing the week of May 7-13, 1995, as Suicide Prevention Week in Texas.

The resolution was adopted without objection.

(Speaker pro tempore in the chair)

CONGRATULATORY AND MEMORIAL CALENDAR

The chair laid before the house the following memorial resolutions:

By D. Jones and B. Turner,

HCR 193, In memory of H. L. "Hub" King.

By Pitts,

HR 562, In memory of Jack Lummus.

By Dear,

HR 563, In memory of Richard Taylor.

By Alvarado,

HR 567, In memory of San Antonio police officer Fabian Dominguez.

By Van de Putte,

HR 574, In memory of Alfred Abramson.

By Berlanga, Davila, Alonzo, Solis, Romo, et al.,

HR 579, In memory of Selena Quintanilla Perez.

By Alexander,

HR 581, In memory of Burton Stewart Sneed, Jr.

HR 585 was previously adopted.

HR 711 was read at the end of the memorial portion of the calendar.

By Dear,

HR 767, In memory of Fort Worth Police Department Officer Jessie D. Moorman.

By Black,

HR 768, In memory of Dr. Thomas Clark Graves.

HR 769 was previously adopted.

By Tillery,

HR 775, In memory of Dallas Police Department Senior Corporal Thomas Bond.

By Greenberg,

HR 781, In memory of Harriet Olsen Nagel.

By Counts,

HR 783, In memory of Lawrence Mitchell Hall.

By Counts,

HR 784, In memory of Elbert Benjamin Whorton, Sr.

HR 788 was read at the end of the memorial portion of the calendar.

HR 792 was previously adopted.

By Torres,

HR 823, In memory of Manuel G. Porras.

The resolutions were unanimously adopted by a rising vote.

HR 711 - ADOPTED

The chair laid before the house the following resolution:

By R. Lewis,

HR 711, In memory of Casey Jones Peveto.

The resolution was read and was unanimously adopted by a rising vote.

HR 788 - ADOPTED

The chair laid before the house the following resolution:

By Kuempel,

HR 788, In memory of Evelyn Mina Borchers Randow.

The resolution was read and was unanimously adopted by a rising vote.

HR 781

HR 781, in memory of Harriet Olsen Nagel, having been previously adopted, was read.

The chair laid before the house the following congratulatory resolutions:

SCR 128 (Hernandez - House Sponsor), Commending the Texas Math and Science Hotline.

SCR 140 (Kubiak - House Sponsor), Designating the week beginning November 5, 1995, as "Texas Women Veterans Recognition Week."

By Duncan and D. Jones,

HR 556, Commending the Center for Public Service at Texas Tech University for its Military Base Conversion and Community Assistance Program.

By Saunders,

HR 560, Honoring Mary Lee Higgins.

By Davis,

HR 570, Honoring Sylvia L. Benenson for her many outstanding contributions to the citizens of Dallas.

By Farrar,

HR 773, Congratulating Gina Tran.

By Kuempel,

HR 776, Honoring Lucille Biegel.

By S. Turner,

HR 778, Honoring Dr. Joann Horton.

By Madden,

HR 786, Honoring Shawn Phillip Glover.

By West,

HR 793, Honoring James E. Nelson.

By Solomons,

HR 794, Naming Jenni Li Moseley an Honorary Texan.

HR 809 was previously adopted.

HR 810 was previously adopted.

HR 813 was previously adopted.

By Kubiak,
HR 814, Honoring Rob Parker.

By Counts,
HR 815, Honoring Joseph Pickle.

By Craddick,
HR 816, Honoring Homer and Theresa Lowe.

By Craddick,
HR 817, Honoring Mr. and Mrs. Robert Drummond.

By Craddick,
HR 818, Congratulating Mr. and Mrs. Donald O. Crookham on their 50th wedding anniversary.

By Craddick,
HR 819, Honoring Mr. and Mrs. George Wolf.

By Craddick,
HR 820, Honoring Mr. and Mrs. John P. Hammett.

By Crabb,
HR 822, Honoring the Kingwood High School girls' soccer team.

By Pitts,
HR 833, Honoring Mr. and Mrs. Lawrence A. Milner.

The resolutions were adopted without objection.

HR 921 - ADOPTED

Speaker Laney moved to suspend all necessary rules to take up and consider at this time **HR 921**.

The motion prevailed without objection.

The chair laid before the house the following resolution:

By Laney,

HR 921, Congratulating Ron Kirk on his election as mayor of Dallas.

The resolution was read and was adopted without objection.

On motion of the Dallas delegation, the names of all the members of the house were added to **HR 921** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Speaker Laney, who introduced the Honorable Ron Kirk, mayor-elect of the city of Dallas, and members of his family.

Mr. Kirk addressed the house briefly.

The chair presented Mr. Kirk with a gavel.

LOCAL BILLS CALENDAR ON SECOND READING

The following bills were laid before the house, read second time, and passed to third reading (members registering votes are shown following the caption):

HB 3169, A bill to be entitled An Act relating to the statutory county courts in Grayson County.

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative Thompson, Representative Seidlits offered the following committee amendment to the bill:

Amend **HB 3169** on page 2, by striking lines 1 through 7 and substituting the following:

(h) The judge of a county court at law shall be paid an annual salary that is at least equal to \$75,000 ~~[does not exceed the total annual salary received by the county attorney]~~. The salary shall be paid out of the county treasury on order of the commissioners court.

Amendment No. 1 was adopted without objection.

HB 3231, A bill to be entitled An Act relating to the Brazoria County Drainage District No. 4; the powers and duties of the district; the election, terms, and compensation of district commissioners; filling vacant positions on the district board of commissioners; changing the name of the district; authorizing the issuance of bonds and imposition of a tax; and granting the power of eminent domain.

Amendment No. 1

Representative Harris offered the following amendment to the bill:

Amend **HB 3231** as follows:

On page 7, lines 15-24, Strike "SECTION 9. COMPENSATION AND EXPENSES OF COMMISSIONERS" and substitute the following:

"SECTION 9. COMPENSATION AND PER DIEM OF COMMISSIONERS. (a) Notwithstanding provisions found elsewhere in this Act, the salary of a commissioner shall be set at \$25.00 per day. It is further provided that a commissioner shall receive a per diem of \$7.50.

(d) Section 56.067, Water Code, does not apply to the board."

Amendment No. 1 was adopted without objection.

HB 3232, A bill to be entitled An Act relating to the election of commissioners of the Port of Beaumont Navigation District of Jefferson County.

HB 3234, A bill to be entitled An Act relating to the election of directors of the Hudspeth County Underground Water Conservation District No. 1.

CONSENT BILLS CALENDAR ON SECOND READING

The following bills were laid before the house, read second time, and passed to third reading (members registering votes are shown following the caption):

HB 18, A bill to be entitled An Act relating to restrictive covenants applicable to certain residential real estate subdivisions.

HB 22 was withdrawn.

HB 29, A bill to be entitled An Act relating to tuition-free higher education of senior citizens.

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative Ogden, Representative Goolsby offered the following committee amendment to the bill:

Amend **HB 29** as follows:

- (1) On page 1, line 7, strike "shall" and insert "may".

Amendment No. 1 was adopted without objection.

HB 52, A bill to be entitled An Act relating to the authority of state and local governments to make purchases and contracts and to engage in certain projects.

The chair postponed consideration of **HB 52** until the end of the calendar.

HB 93, A bill to be entitled An Act relating to the penalty for the offense of intoxication manslaughter.

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative Talton, Representative Kamel offered the following committee amendment to the bill:

Amend **HB 93** as follows:

- (1) On page 1, line 12, strike "persons" and substitute "individuals".
- (2) On page 1, line 15 and line 17, strike "actor" and substitute "person".
- (3) On page 1, line 16 and line 18, strike "person" and substitute "individual by the commission of the offense".

Amendment No. 1 was adopted without objection.

HB 211, A bill to be entitled An Act relating to the advisory function of the Texas Radiation Advisory Board.

HB 289 was withdrawn.

HB 302, A bill to be entitled An Act relating to the offense of criminal mischief.

HB 482, A bill to be entitled An Act relating to county and district clerks reporting judicial appointments.

Amendment No. 1 (Committee Amendment No. 1)

Representative Hartnett offered the following committee amendment to the bill:

Amend **HB 482** on page 1, line 14, by striking "\$250" and substituting "\$500".

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Hartnett offered the following amendment to the bill:

Amend **HB 482** as follows:

- (1) On page 2, line 2, strike "or fails".
- (2) On page 2, lines 3-5, strike "The State Commission on Judicial Conduct shall send a copy of that report to the Texas Ethics Commission."

(3) On page 2, between lines 9 and 10, insert a new Subdivision (2) to read as follows and renumber Subdivisions (2) and (3), Section 51.607(d), Government Code, as (3) and (4), respectively:

"(2) a mediation order has been entered, unless a mediator is named and the amount of the fee is ordered:".

Amendment No. 2 was adopted without objection.

HB 485, A bill to be entitled An Act relating to the characterization of expenses incurred in connection with a meeting of an organization or club affiliated with a political party.

CSHB 496, A bill to be entitled An Act relating to the issuance of special license plates for certain vehicles owned by certain foreign organizations. (Patterson recorded voting no)

HB 624, A bill to be entitled An Act relating to the payment, and procedures to enforce payment, of taxes and fees collected by the comptroller; providing penalties.

Representative Romo moved to lay **HB 624** on the table subject to call.

The motion prevailed without objection.

HB 664, A bill to be entitled An Act relating to a referendum on whether certain municipalities should create a sports facility district.

HB 710 was withdrawn.

CSHB 812, A bill to be entitled An Act relating to the procedures before administrative agencies.

Representative Wilson raised a point of order against further consideration of **CSHB 812** on the grounds that **CSHB 812** violates Rule 4, Section 32(c)(4), of the House Rules.

The chair sustained the point of order.

MESSAGE FROM THE SENATE

Austin, Texas, May 12, 1995

The Honorable Speaker of the House of Representatives
House Chamber

The Honorable
Mr. Speaker:

I am directed by the Senate to inform the House that the Senate has passed the following:

Local and Uncontested Bills

HCR 30 by Hunter, Bob (Sponsor-Truan), requesting the National Archives and Records Administration to make copies of joint resolutions of the 12th Legislature ratifying amendments XIII, XIV, and XV to the United States Constitution and send them to the Texas State Library.

HCR 44 by Raymond, Hilderbran, and King (Sponsor-Truan), designating the prickly pear cactus as the official state plant.

HCR 85 by Stiles, Price, and Hochberg (Sponsor-Galloway), renaming the Hollywood Workcenter as the Ben Rogers Employment Training Facility.

HB 223 by Munoz (Sponsor-Lucio), relating to missing children.

HB 247 by Gutierrez (Sponsor-Patterson, Jerry), relating to various types of armed forces license plates that may be issued to a person.

HB 523 by De La Garza (Sponsor-Lucio), relating to stolen vehicle checkpoints near the Mexico border and the jurisdiction of a magistrate to hear a stolen property disposition hearing.

HB 592 by Greenberg, Naishtat, Combs, Dukes, Maxey, et al. (Sponsor-Barrientos), relating to the composition of community justice task forces.

HB 623 by Combs, et al. (Sponsor-Harris, Chris), relating to the appraisal for ad valorem tax purposes of property that is located in more than one appraisal district.

HB 724 by Turner, Bob (Sponsor-Sims), relating to the rights, powers, privileges, authority, functions, and duties of the Brown County Water Improvement District No. 1.

HB 846 by Counts (Sponsor-Montford), relating to the creation, administration, powers, duties, operation, and financing of the Garza County Underground and Fresh Water Conservation District.

HB 981 by Hirschi (Sponsor-Whitmire), relating to the justification for the use of force as a defense in the prosecution of a criminal case.

HB 1271 by Brimer (Sponsor-Brown), relating to the Texas Peace Officers' Memorial Advisory Committee (amended).

HB 1480 by Patterson, L.P. "Pete" (Sponsor-Lucio), relating to the contribution of funds to a soil and water conservation district.

HB 1505 by Van de Putte (Sponsor-Madla), relating to the authority of the Texas State Board of Pharmacy to inspect certain facilities and register and inspect certain equipment and to file a complaint resulting from the inspection (committee substitute).

HB 1531 by Stiles (Sponsor-Galloway), relating to the creation, administration, powers, duties, operation, and financing of the Hamshire Municipal Utility District.

HB 1600 by Serna (Sponsor-Rosson), relating to changing the name of the El Paso County Lower Valley Water District Authority to the Lower Valley Water District.

HB 1611 by Stiles (Sponsor-Whitmire), relating to an exemption from the state sales tax for certain ship equipment.

HB 1695 by Turner, Bob (Sponsor-Montford), relating to authorizing the Texas Youth Commission to perform fire protection, fire prevention, and fire suppression activities at or near commission facilities.

HB 1818 by Luna, Vilma (Sponsor-Truan), relating to the terms of the board of managers of the Nueces County Hospital District

HB 1979 by Hightower (Sponsor-Armbrister), relating to the procedures for selling state property under the management and control of the Texas Board of Criminal Justice.

SCR 127 by Lucio, requesting the Texas Department of Transportation to study potential alternative routes of access to South Padre Island.

SCR 135 by Lucio, requesting the Texas Higher Education Coordinating Board to conduct a review of alternative dispute resolution procedures at public institutions of higher education.

SB 1089 by Whitmire, relating to the applicability of certain traffic laws to peace officers on horseback.

SB 1535 by Ellis, relating to allowance of prior service credit in a retirement plan for certain police officers.

SB 1681 by Nelson, et al., relating to authorizing the Texas National Research Laboratory Commission to contract with a special utility district.

SB 1691 by Barrientos, relating to the conveyance of certain real property by the Austin Independent School District to the Austin Community College District.

SB 1701 by Shapiro, relating to the designation of State Highway 190 in Dallas, Collin, and Denton counties as the President George Bush Highway.

I am directed by the Senate to inform the House that the Senate has concurred in House Amendments to the following: **SB 1148** by Viva Voce Vote, and **SB 1617** by Viva Voce Vote.

Respectfully,
Betty King
Secretary of the Senate

CONSENT BILLS CALENDAR - (consideration continued)

CSHB 883, A bill to be entitled An Act relating to the regulation of certain nursing practices. (Corte, Finnell, Horn, and Patterson recorded voting no)

CSHB 888, A bill to be entitled An Act relating to the correction of an ad valorem tax appraisal roll.

Amendment No. 1

On behalf of Representative Siebert, Representative Marchant offered the following amendment to **CSHB 888**:

Amend **CSHB 888** as follows:

On page 1, line 17, add: (4) The inclusion of property whose physical condition, zoning, dimensions, environmental characteristics, or limitation of use are significantly different from that which are described on the appraisal roll.

Amendment No. 1 was adopted without objection.

HB 932, A bill to be entitled An Act relating to the authority of a member of the state military to possess certain weapons while in the discharge of official duties.

HB 1079, A bill to be entitled An Act relating to prosecution of the offense of tampering with or fabricating physical evidence.

CSHB 1125, A bill to be entitled An Act relating to the forced sale of a co-owner's interest in certain real property.

HB 1195, A bill to be entitled An Act relating to the appointment of persons convicted of certain crimes as guardians.

HB 1209, A bill to be entitled An Act relating to designating peace officers to serve as notaries public. (Corte and Heflin recorded voting no)

HB 1247, A bill to be entitled An Act relating to the appointment of counsel to represent indigent defendants or inmates.

HB 1277, A bill to be entitled An Act relating to a review of constitutionally dedicated funds by the Funds Review Advisory Committee.

SB 1212 (Coleman - House Sponsor), in lieu of **HB 1348**, A bill to be entitled An Act relating to venue, notice, and attorney general participation in proceedings involving charitable trusts.

Representative Coleman moved to lay **HB 1348** on the table subject to call.

The motion prevailed without objection.

CSHB 1357, A bill to be entitled An Act relating to the assessment of damages, costs, and attorney's fees in an eminent domain proceeding. (Finnell recorded present, not voting)

Amendment No. 1

On behalf of Representative Hartnett, Representative Alexander offered the following amendment to **CSHB 1357**:

Amendment to **CSHB 1357**:

On Line 22 on Page 1 of the Committee Substitute for **HB 1357**, insert the following after the word "if":

the condemnor is a municipality or state agency and

Amendment No. 1 was adopted without objection.

HB 1361, A bill to be entitled An Act relating to the authority of a rural fire prevention district to borrow money.

HB 1440, A bill to be entitled An Act relating to the dismissal of an appeal from a justice or municipal court in a criminal case.

HB 1496, A bill to be entitled An Act relating to indemnity provisions in certain mineral agreements. (Finnell recorded present, not voting)

SB 526 (Eiland - House Sponsor), in lieu of **HB 1530**, A bill to be entitled An Act relating to certain business practices used in the collection of copyright royalties; providing penalties.

Representative Eiland moved to lay **HB 1530** on the table subject to call.

The motion prevailed without objection.

HB 1541, A bill to be entitled An Act relating to the prohibition of the sale or transfer of certain plumbing fixtures. (Horn and Patterson recorded voting no)

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative D. Jones, Representative Torres offered the following committee amendment to the bill:

Amend **HB 1541** by striking Subsection (f) in SECTION 1 beginning on line 8 and substituting the following:

(f) A person, corporation, or other entity may not sell, donate, or transfer a water closet plumbing fixture or other equipment that uses water that does not comply with a state-approved plumbing code and that may permit the

backflow of nonpotable substances into the potable water supply. The board shall adopt rules under this subsection that include a list describing the types of plumbing fixtures to which this subsection applies.

Amendment No. 1 was adopted without objection.

CSHB 1649, A bill to be entitled An Act relating to the development and implementation of an electronic data processing system to expedite payments to certain child-care providers.

HB 1665 was withdrawn.

CSHB 1711, A bill to be entitled An Act relating to the local regulation of a sexually oriented business and the sale, possession, and consumption of alcoholic beverages on the premises of a sexually oriented business; providing a penalty.

Representative Dutton raised a point of order against further consideration of **CSHB 1711** on the grounds that **CSHB 1711** violates Rule 4, Section 32(c)(4), of the House Rules.

The point of order was withdrawn.

Representative Dutton raised a point of order against further consideration of **CSHB 1711** on the grounds that **CSHB 1711** violates Rule 11, Section 7, of the House Rules.

The chair overruled the point of order.

SB 1029 (King - House Sponsor), in lieu of **HB 1766**, A bill to be entitled An Act relating to persons subject to regulation as telephone solicitors. (Heflin recorded voting no)

Representative King moved to lay **HB 1766** on the table subject to call.

The motion prevailed without objection.

HB 1783, A bill to be entitled An Act relating to the authority of certain counties to charge a fee for installing or replacing water or sewer lines.

HB 1794, A bill to be entitled An Act relating to issuance of special license plates for a forestry vehicle.

HB 1884, A bill to be entitled An Act relating to the additional tax imposed on certain land appraised for ad valorem tax purposes as open-space land the use of which is changed to cemetery purposes.

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative Heflin, Representative Oakley offered the following committee amendment to the bill:

Amend **HB 1884** as follows:

On page 1, line 13, between "a" and "cemetery organization", insert "not for profit"

Amendment No. 1 was adopted without objection.

CSHB 1879, A bill to be entitled An Act relating to the change of name of a party to a suit for dissolution of a marriage.

SB 1492 (G. Lewis - House Sponsor), in lieu of **HB 1891**, A bill to be entitled An Act relating to the confidentiality of information derived from an audit to ascertain compliance with the payment of the hotel occupancy tax.

Representative G. Lewis moved to lay **HB 1891** on the table subject to call.

The motion prevailed without objection.

CSHB 1892, A bill to be entitled An Act relating to an exemption from the oil and gas production taxes for hydrocarbons produced from wells that use new recovery techniques; providing a civil penalty. (Finnell recorded present, not voting)

CSHB 1933, A bill to be entitled An Act relating to the provision of information to the holders of certain insurance policies.

HB 1935, A bill to be entitled An Act relating to single certification of an area served by a municipality and certain retail public utilities.

Amendment No. 1 (Committee Amendment No. 1)

Representative R. Lewis offered the following committee amendment to the bill:

(1) On page 1, lines 11-12, delete "that converted from a nonprofit water supply or sewer service corporation".

(2) Add a new Section 2 to read as follows:

Section 13.255, Water Code, is amended to add a new subsection (1) to read as follows:

(1) The compensation provided under subsection (g) shall be determined by a qualified individual or firm to serve as independent appraiser, who shall be selected by the affected retail public utility. The determination of compensation by the independent appraiser shall be binding on the commission. The costs of the independent appraiser shall be borne by the municipality.

(3) Add a new Section 3 to read as follows:

SECTION 1. Section 13.255, Water Code, is amended to add a new subsection (m) to read as follows:

(m) The commission shall deny an application for single certification by a municipality which fails to demonstrate compliance with the commission's minimum requirements for public drinking water systems.

(4) Add a new Section 4 to read as follows:

SECTION 4. Section 13.255(g), Water Code, is amended to read as follows:

(g) For the purpose of implementing this section, the value of real property shall be determined [~~by the commission and/or the court~~] according to the standards set forth in Chapter 21, Property Code, governing actions in eminent domain; the value of personal property shall be determined according to the [~~rules to be promulgated by the commission pursuant to the~~] factors in this subsection. The factors ensuring [Such rules shall assure] that the compensation to a retail public utility for the taking, [and] damaging, and/or loss of personal

property, including the retail public utility's business, is just and adequate, ~~[and]~~ shall, at a minimum, include ~~[take into account the following factors]~~: impact on the existing indebtedness of the retail public utility and its ability to repay that debt, the value of the service facilities ~~[personal and real property]~~ of the retail public utility located within the area in question, the amount of any expenditures for planning, design or construction of service facilities outside the incorporated or annexed area which are allocable to service to the area in question, the amount of the retail public utility's contractual obligations allocable to the area in question, any demonstrated impairment of service or increase of cost to consumers of the retail public utility remaining after the single certification, the impact on future revenues and expenses of the retail public utility, necessary and reasonable legal expenses and professional fees, factors relevant to maintaining the current financial integrity of the retail public utility, and other relevant factors.

(5) Renumber Section 2 appropriately.

Amendment No. 1 was adopted without objection.

HB 1955 was withdrawn.

HB 2006, A bill to be entitled An Act relating to offenses involving the practice of immigration law and providing services to a person seeking immigration or naturalization.

CSHB 2029, A bill to be entitled An Act relating to guardianships and incapacitated persons.

HB 2036, A bill to be entitled An Act relating to a payroll deduction by a county employee for a charitable purpose. (Patterson recorded voting no)

CSHB 2080, A bill to be entitled An Act relating to creation of an offense involving presence of a minor on premises covered by certain alcoholic beverage permits or licenses.

CSHB 2113, A bill to be entitled An Act relating to prohibiting certain persons from participating in a drug development research protocol.

Amendment No. 1

Representative Thompson offered the following amendment to **CSHB 2113**:

Amend **CSHB 2113** on page 2, line 5, by striking "or" and adding "and" before the word "is".

Amend **CSHB 2113** on page 3, line 3, by striking "or" and adding "and" before the word "is".

Amend **CSHB 2113** on page 3, line 21, by striking "or" and adding "and" before the word "is".

Amendment No. 1 was adopted without objection.

HB 2138, A bill to be entitled An Act relating to authorizing the sale to the public of articles and products manufactured by a county jail industries program.

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative Gutierrez, Representative Combs offered the following committee amendment to the bill:

Amend **HB 2138** as follows:

(1) On page 2, line 8, strike "and"

(2) On page 2, line 10 strike "1" and substitute "1. and"

(3) On page 2, line 11, add subsection (c)(3) as follows:

(3) the sheriff provides certification that such paid inmate employment will not result in the displacement of employed workers, or be applied in skills, crafts, or trades in which there is a surplus of available labor in the state, or impair existing contracts for services.

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Combs offered the following amendment to the bill:

Amend **HB 2138** (House Committee Report) by striking Subdivisions (4) - (6), Subsection (e), Section 351.201, Local Government Code, and substituting the following:

(4) procedures to determine the sales price of articles and products produced under this subchapter; and

(5) procedures for the development of specifications for articles and products produced under this subchapter.

Amendment No. 2 was adopted without objection.

CSSH 2139, A bill to be entitled An Act relating to the authority of the board of the Travis County Water Control and Improvement District No. 14 to exclude certain territory. (Finnell recorded present, not voting)

CSSH 2143, A bill to be entitled An Act relating to the creation of an emergency services district and simultaneous dissolution of a rural fire prevention district.

CSSH 2198, A bill to be entitled An Act relating to establishing a pilot program to use suitable underutilized state property for community gardens and farmers markets for the benefit of low income and needy families.

HB 2207 was withdrawn.

HB 2227, A bill to be entitled An Act relating to the method of sale of charitable raffle tickets.

HB 2267, A bill to be entitled An Act relating to the types of permit or license which may be held by a wine only package store permittee.

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative Torres, Representative Hilbert offered the following committee amendment to the bill:

Amend **HB 2267** as follows:

On page 1, line 11, strike the words "retail dealer's on-premise".

Amendment No. 1 was adopted without objection.

HB 2342, A bill to be entitled An Act relating to an exemption from tuition and fees at a public institution of higher education for peace officers disabled in the line of duty.

Amendment No. 1 (Committee Amendment No. 1)

Representative Reyna offered the following committee amendment to the bill:

Amend **HB 2342** as follows:

On page 1, strike lines 8-9 and substitute the following:

"Sec. 54.2041. DISABLED PEACE OFFICERS. (a) The governing board of an institution of higher education may exempt a student from the payment of"

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Reyna offered the following amendment to the bill:

Amend **HB 2342** as follows:

In SECTION 1 of the bill, following proposed Section 54.2041(e), Education Code (house committee report 1st printing, page 2, between lines 18 and 19), insert the following:

(f) The legislature in an appropriations act shall account for the rates authorized by Subsection (a) in a way that does not increase the general revenue appropriations to that institution.

Amendment No. 2 was adopted without objection.

HB 2358, A bill to be entitled An Act relating to the authority of certain municipal hospital authorities to borrow money.

HB 2362, A bill to be entitled An Act relating to exemptions from the study requirements applicable to local recording agents. (Finnell recorded voting no)

HB 2405, A bill to be entitled An Act relating to municipal court proceedings in a municipality participating with another municipality in a joint police department contract.

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative Goodman, Representative Elkins offered the following committee amendment to the bill:

Amend **HB 2405** by striking lines 8 through 13 on page 1 and substituting the following:

Sec. 29.105. MUNICIPAL COURT PROCEEDINGS IN MUNICIPALITY PARTICIPATING IN POLICE DEPARTMENT CONTRACT. A municipality that contracts with one or more municipalities for the operation of a joint police department may conduct its municipal court proceedings within the municipal limits of any municipality that is a party to the contract.

Amendment No. 1 was adopted without objection.

HB 2422, A bill to be entitled An Act relating to the authority of a court to order a defendant convicted of a misdemeanor to pay restitution in lieu of a fine.

HB 2429, A bill to be entitled An Act relating to the control of and disabling of gambling devices, equipment, or paraphernalia while an ocean-going vessel is in the territorial waters of this state. (Patterson recorded voting no)

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative D. Jones, Representative Eiland offered the following committee amendment to the bill:

Amend **HB 2429** as follows:

(1) On page 2, line 4, strike Subsection (B) and insert new Subsection (B) as follows:

(B) all devices, equipment, or paraphernalia are:

(i) covered in a manner that prevents the use and viewing of the device, equipment or paraphernalia and that allows only the master and crew of the vessel to uncover the device, equipment or paraphernalia; and

(ii) disabled, electronically or by another method, from a remote and secured area of the vessel in a manner that allows only the master and crew of the vessel to remove any disabling device;

Amendment No. 1 was adopted without objection.

HB 2448, A bill to be entitled An Act relating to eliminating, consolidating, or revising certain reports relating to institutions of higher education.

HB 2449, A bill to be entitled An Act relating to the distribution of state agency binding encumbrance reports and state agency reports about utility audits.

CSHB 2457, A bill to be entitled An Act relating to the licensing and regulation of the practice of art therapy. (Finnell, Patterson, and Shields recorded voting no)

HB 2489 was withdrawn.

HB 2504 was withdrawn.

CSHB 2508, A bill to be entitled An Act relating to the authority of a governmental body to hold an open or closed meeting by telephone conference call. (Finnell recorded voting no)

CSHB 2592, A bill to be entitled An Act relating to a computerized criminal history search by the Department of Public Safety of persons licensed by certain state agencies.

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today to attend a meeting of the conference committee on HB 1:

Ogden on motion of Hartnett.

CONSENT BILLS CALENDAR - (consideration continued)

CSHB 2600, A bill to be entitled An Act relating to the fees required of certain persons who practice public accountancy. (Shields recorded voting no)

HB 2616, A bill to be entitled An Act relating to special license plates.

HB 2618, A bill to be entitled An Act relating to the repeal of the separate reporting requirement for the Texas irrigators fund.

HB 2620 was withdrawn.

HB 2709, A bill to be entitled An Act relating to certain attorney employees of the state providing pro bono legal services.

HB 2710, A bill to be entitled An Act relating to the applicability of the Insurance Holding Company System Regulatory Act.

HB 2747, A bill to be entitled An Act relating to the issuance of tuition revenue bonds for the University of Houston-Victoria.

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative Rangel, Representative Holzheuser offered the following committee amendment to the bill:

Amend **HB 2747** on page 2 by adding a new subsection (d):

(d) The board may repay the interest and principal on bonds issued under this section and maintenance and operations of the facility with appropriations that otherwise would have been for the lease of facilities.

Amendment No. 1 was adopted without objection.

Amendment No. 2 (Committee Amendment No. 2)

On behalf of Representative Rangel, Representative Holzheuser offered the following committee amendment to the bill:

Amend **HB 2747** on page 1, line 15, between the words "subchapter" and "in", add "in accordance with a systemwide revenue financing program adopted by the board"

Amendment No. 2 was adopted without objection.

SB 1682 (Pitts - House Sponsor), in lieu of **HB 2752**, A bill to be entitled An Act relating to the conveyance of a possessory interest in property acquired by a public entity or state agency in connection with the superconducting super collider facility.

Representative Pitts moved to lay **HB 2752** on the table subject to call.

The motion prevailed without objection.

HB 2775, A bill to be entitled An Act relating to the enforcement of vehicle parking ordinances in certain municipalities.

HB 2796, A bill to be entitled An Act relating to requiring a defendant convicted of an offense causing a death to pay child support as restitution for the offense.

HB 2810 was withdrawn.

CSHB 2818, A bill to be entitled An Act relating to the appointment of bailiffs for the 9th, Second 9th, 221st, 284th, and 359th district courts and the county courts at law in Montgomery County.

CSHB 2850, A bill to be entitled An Act relating to the regulation of the indoor air quality of certain school district buildings. (Finnell, Horn, and Patterson recorded voting no)

Amendment No. 1

Representative Naishtat offered the following amendment to **CSHB 2850**:

Amend **CSHB 2850**, in SECTION 1 of the bill, by inserting a new Section 385.003 as follows:

Sec. 385.003. A school board is immune from liability for an injury caused by the failure to comply with the voluntary guidelines established by the Texas Board of Health under Section 385.002.

Amendment No. 1 was adopted without objection.

CSHB 2856, A bill to be entitled An Act relating to creation of the Texas Food Security Council. (Finnell, Heflin, and Patterson recorded voting no)

HB 2936, A bill to be entitled An Act relating to financing of certain projects for certain counties. (Patterson recorded voting no)

CSHB 2967, A bill to be entitled An Act relating to civil actions involving persons who file complaints with governmental agencies. (Heflin recorded voting no)

SB 1158 (Seidlits - House Sponsor), in lieu of **HB 2972**, A bill to be entitled An Act relating to the use of a caller identification service by commercial mobile radio service providers licensed by the Federal Communications Commission.

Representative Seidlits moved to lay **HB 2972** on the table subject to call.

The motion prevailed without objection.

HB 2975, A bill to be entitled An Act relating to the funds of the estate of wards of certain guardianship programs.

HB 2979 was withdrawn.

HB 3008, A bill to be entitled An Act relating to loan fees charged by a bank.

Amendment No. 1

Representative Giddings offered the following amendment to the bill:

Amend **HB 3008** as follows:

On page 1, line 22, after the word "participant.", strike "To the extent of any conflict between this article and Subtitle 2 or chapter 15, Title 79, Revised Statutes (Article 5069-2.01 et seq., Vernon's Texas Civil Statutes), the provision of Title 79, Revised Statutes, prevails."

On page 2, line 13, insert a new Subsection (d) to read as follows:

"(d) To the extent of any conflict between this article and Subtitle 2 or chapter 15, Title 79, Revised Statutes (Article 5069-2.01 et seq., Vernon's Texas Civil Statutes), the provision of Title 79, Revised Statutes, prevails."

Amendment No. 1 was adopted without objection.

CSHB 3017, A bill to be entitled An Act relating to fees charged by and to records retained by certain law enforcement agencies for fingerprinting.

HB 3040, A bill to be entitled An Act relating to adoption of certain airport zoning regulations.

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative Combs, Representative Chisum offered the following committee amendment to the bill:

Amend **HB 3040** as follows:

On page 1, line 8, after the word "subdivision" insert "acting unilaterally under Section 241.013"

On page 1, line 13, delete "also may" and insert "is not required to" before the word "appoint"

Amendment No. 1 was adopted without objection.

HB 3046, A bill to be entitled An Act relating to vessels and obstructions in fish passes.

CSHB 3050, A bill to be entitled An Act relating to exemption of certain funds from consolidation, re-creation of certain consolidated funds, preservation of certain dedications of revenue, and exemption of certain unappropriated amounts from use for general governmental purposes.

HB 3086, A bill to be entitled An Act relating to implementing federal energy policy through the energy management center.

HB 3102, A bill to be entitled An Act relating to authorizing the Texas National Research Laboratory Commission to contract with a special utility district.

CSHB 3106, A bill to be entitled An Act relating to special license plates relating to the armed forces. (Horn recorded voting no; Finnell, present, not voting)

CSHB 3118, A bill to be entitled An Act relating to intermediate care facilities for the mentally retarded; imposing civil and criminal penalties. (Heflin and Patterson recorded voting no)

CSHB 3119, A bill to be entitled An Act relating to the exemption from dues, fees, and charges provided to a veteran or dependent of a veteran enrolled at a public institution of higher education.

CSHB 3162, A bill to be entitled An Act relating to the electronic filing of financing statements and related documents.

HB 3200, A bill to be entitled An Act relating to regulation of investment securities; revising Chapter 8 of the Business & Commerce Code.

HB 3208, A bill to be entitled An Act relating to requiring safety chains for certain vehicles towing trailers. (Finnell and Horn recorded voting no)

CSHB 3223, A bill to be entitled An Act relating to the administration, powers, and duties of the Greater Greenspoint Management District and political subdivision contracting with the District.

CSHB 3233, A bill to be entitled An Act relating to the creation, administration, powers, and duties of the Upper Kirby Management District; granting the authority to issue bonds; authorizing a tax.

SB 344 (Ramsay - House Sponsor), A bill to be entitled An Act relating to the disposition of surplus tax money of the Morris County Hospital District on dissolution of the district.

SB 659 (Van de Putte - House Sponsor), A bill to be entitled An Act relating to the ability of a pharmacist to perform a specific act delegated to the pharmacist by a written order or protocol.

SB 832 (Alexander - House Sponsor), A bill to be entitled An Act providing for the issuance of specially designed United States Olympic Committee Texas license plates.

SB 1168 (Longoria - House Sponsor), A bill to be entitled An Act relating to requirements for the segregation of classes of inmates in county jails and for capacities in county jails.

RESOLUTIONS CALENDAR

The chair laid before the house the following resolutions on committee report:

By Wohlgemuth, B. Hunter, and Patterson,

HCR 94, Designating the monarch butterfly as the official state insect.

The resolution was adopted without objection. (Horn recorded voting no)

By Brimer,

HCR 102, Designating October 1995 and October 1996 as Down Syndrome Months in Texas.

The resolution was adopted without objection.

By Munoz,

HCR 134, Requesting the Texas Department of Transportation to expedite improvements to and the expansion of U.S. Highway 83.

The resolution was adopted without objection.

By B. Hunter and Chisum,

HCR 178, Designating the longhorn the official Large State Mammal of Texas and the armadillo the official Small State Mammal of Texas.

The resolution was adopted without objection. (Culberson, Duncan, and Horn recorded voting no; Finnell, present, not voting)

By Johnson,

HCR 186, Endorsing and announcing the creation and appointment of an Events Subcommittee for the observance of the State of Texas Sesquicentennial.

The resolution was adopted without objection.

CONSENT BILLS CALENDAR - (consideration continued)

HB 52, A bill to be entitled An Act relating to the authority of state and local governments to make purchases and contracts and to engage in certain projects.

The bill was read second time earlier today and was postponed until this time.

Amendment No. 1

Representative McCall offered the following amendment to the bill:

Amend **HB 52** to read as follows:

On page 8, between lines 15 and 16, insert a new Section 8 to read as follows and renumber existing Section 8 and subsequent sections accordingly:

SECTION 8. Chapter 122, Human Resources Code, is amended by adding Section 122.020 to read as follows:

Sec. 122.020. APPLICATION OF OTHER LAW. Chapters 252, 262, and 271, Local Government Code, do not supersede this chapter.

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative McCall offered the following amendment to the bill:

Amend **HB 52** to read as follows:

(1) On page 5, strike subchapter (1) and substitute "(1) 'Local cooperative organization' means an organization of governments established to provide local governments access to contracts with vendors for the purchase of materials, supplies, services, or equipment.".

Amendment No. 2 was adopted without objection.

Amendment No. 3

Representative McCall offered the following amendment to the bill:

Amend **HB 52** to read as follows:

(1) On page 3, line 9, strike "agreement" and substitute "contract".

(2) On page 6, line 4, between "junior college district," and "or" insert "regional planning commission,".

(3) On page 7, strike lines 1-4 and substitute "(c) A local government that purchases goods or services under this subchapter satisfies any state law requiring the local government to seek competitive bids for the purchase of the goods or services.".

Amendment No. 3 was adopted without objection.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Ways and Means, on adjournment today, Desk 70.

Judicial Affairs, on adjournment today, Desk 67, to consider **HB 3237** and **SB 1610**.

ADJOURNMENT

Representative Hudson moved that the house adjourn until 1:00 p.m. today.

The motion prevailed without objection.

The house accordingly, at 12:51 p.m., adjourned until 1:00 p.m. today.